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10/808,136	03/24/2004	Dan Scott Johnson	200207099-1	5259
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HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER ZHONG, JUN FEI	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 01/03/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/808,136

Applicant(s)

JOHNSON, DAN SCOTT

Examiner

Jun Fei Zhong

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive.

Applicant argues that Farrand did not indicate that an A/V menu data stream is communicated to the nodes 191, 192 of Farrand.

However, the examiner respectfully disagrees. Reading the claims in the broadest sense, Farrand discloses an EPG which is a menu allowing user to navigate channel information and tune to a selected channel, and EPG data is displayed to TV 171 (see paragraph 0064, 0147, 0148; Fig. 2a, 15a and 15 b).

Applicant argues that Farrand appears to disclose that only a single type of network is coupled to any particular source of media content.

However, the examiner respectfully disagrees. Farrand discloses home media network 190 could be wireless RF or Ethernet (see paragraph 005, 0061).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (Pub # US 20030193619) in view of Liebenow (Patent # US 6131136).

As to claim 1, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

a sink component (e.g., distributed multimedia node 192; Fig. 2a) adapted to be communicatively coupled between a source component (e.g., home media server 110) and a presentation device (e.g., television 171) for displaying A/V program data and an A/V menu data stream associated with the source component on the presentation device based on a user request transmitted from the sink component to the source component (e.g., displaying EPG; Fig. 15a and 15b) (see paragraph 0062, 0064, 0147-0148), the sink component adapted to one of a plurality of different types of communication networks (e.g., wire or wireless network interface) for obtaining the A/V program data and the A/V menu data stream from the source component (see paragraph 0059, 0061).

Farrand fails to disclose automatically select the communication networks.

Liebenow discloses automatically selecting at least one of a plurality of different types of communication networks (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Farrand because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 12, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

means for transmitting (e.g., communication modules 240-245 communicating other devices over network 190; Fig. 2b), via a sink component (e.g., distributed multimedia node 192; Fig. 2a) communicatively coupled between a source component and a presentation device (e.g., television 171), A/V program data and an A/V menu data stream from the source component to the presentation device based on a user request transmitted from the sink component to the source component (e.g., user selects a channel on EPG; Fig. 15a and 15b) (see paragraph 0064, 0147-0148; Fig. 2b);

Farrand fails to disclose automatically select the communication networks.

Liebenow discloses means disposed on the sink component for automatically selecting at least one of a plurality of different types of communication networks for communicating between the sink component and the source component (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by

Liebenow to the home network system of Farrand because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 17, this claim differs from claim 12 only in that claim 17 is method whereas claim 12 is apparatus. Thus, claim 17 is analyzed as previously discussed with respect to claim 12 above.

As to claim 26, Farrand discloses an audio/video (AV) component networking system, comprising:

a sink component (e.g., distributed multimedia node 192; Fig. 2a) configured to be communicatively coupled between a source component (e.g., home media server 110) and a presentation device (e.g., television 171) for displaying AV program data associated with the source component on the presentation device based on a user request transmitted from the sink component to the source component (see paragraph 0062, 0064, 0147-0148), the sink component configured to transferring the AV program data from the source component (see paragraph 0059, 0061).

Farrand discloses home media network 190 could be wireless RF or Ethernet (see paragraph 005, 0061).

Farrand fails to discloses automatically select the communication networks.

Liebenow discloses automatically switch from a first type of communication network to a second type of communication network based on a condition of at least one of the first and second types of communication networks (e.g., switches between

wire and wireless network based on network availability) (see abstract; col. 1, lines 36-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Farrand because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 29, this claim is analyzed as previously discussed with respect to claim 26 above.

As to claim 2, Farrand discloses sink component (e.g., distributed multimedia node 192; Fig. 2a).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

As to claim 3, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register a type of communication network for communicating with the source component (e.g., home media server 110) (i.e., network interface 605 communicates with home media server 110 through network 190, some initiation must make, such as

"handshake" (register a network for communication) to notify the home media server 110 in order to establish the connection) (see paragraph 0061).

As to claim 4, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register the source component with the sink component (e.g., distributed multimedia node 192) (i.e., network interface 605 communicates with home media server 110 through network 190, some initiation must make, such as "handshake" (register a network for communication) to notify both end in order to establish the connection) (see paragraph 0061).

As to claim 5, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 6, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module adapted to register the presentation device with the sink component (i.e., ASIC 620 outputting video and audio signals to different devices, there is an identification (registration) for each device in order for the network to notify it) (see paragraph 0061, 0082).



As to claim 7, Farrand discloses the system of claim 1, wherein the sink component comprises a network manager (e.g., CPU 640; Fig. 6a) adapted to at least one of a plurality of available types of communication networks based on a type of the source component (e.g., if home media server 110 does not have wireless capability, the sink component can only communicate with wire network) (see paragraph 0061).

Liebenow discloses automatically selecting at least one of a plurality of different types of communication networks (e.g., wire or wireless network) (see abstract).

As to claim 8, Farrand discloses the system of claim 1, wherein the sink component comprises a network manager adapted to at least one of a plurality of available types of communication networks based on a type of the A/V program data (e.g., video data has higher bit rate, audio data has lower bit rate, for audio transmission system can use a lower bandwidth network) (see paragraph 0121, 0122).

Liebenow discloses automatically selecting at least one of a plurality of different types of communication networks (e.g., wire or wireless network) (see abstract).

As to claim 9, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user on the presentation device a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 10, Farrand discloses the system of claim 1, wherein the sink component is adapted to decode the A/V program data for presentation on the

presentation device (e.g., MPEG-2 decoder 630 decodes data from home media server 110) (see paragraph 0061).

As to claim 11, Farrand discloses the system of claim 1, wherein the sink component is adapted to display to the user via the presentation device a menu interface associated with the source component (e.g., the data from TV broadcasting or mass storage device) (see paragraph 0064).

As to claims 13 and 18, they contain the limitations of claim 7 and are analyzed as previously discussed with respect to claim 7 above.

As to claims 14 and 20, they contain the limitations of claim 8 and are analyzed as previously discussed with respect to claim 8 above.

As to claims 15 and 21, they contain the limitations of claim 3 and are analyzed as previously discussed with respect to claim 3 above.

As to claim 16, it contains the limitations of claim 4 and is analyzed as previously discussed with respect to claim 4 above.

As to claim 19, it contains the limitations of claim 2 and is analyzed as previously discussed with respect to claim 2 above.

As to claim 22, it contains the limitations of claim 5 and is analyzed as previously discussed with respect to claim 5 above.

As to claim 23, it contains the limitations of claim 9 and is analyzed as previously discussed with respect to claim 9 above.

As to claim 24, it contains the limitations of claim 10 and is analyzed as previously discussed with respect to claim 10 above.

As to claim 25, it contains the limitations of claim 11 and is analyzed as previously discussed with respect to claim 11 above.

As to claim 27, Farrand discloses the system of Claim 26, wherein the sink component is configured to switch from the first type of communication network to the second type of communication network based on a signal condition on the first type of communication network (e.g., device outside of wireless RF transmission range) (see paragraph 0058).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

As to claim 28, Farrand discloses the system of Claim 26, wherein the sink component is configured to switch from the first type of communication network to the second type of communication network based on a change in the AV program data being transmitted from the source component (e.g., switch to wire connection if transmitting data to a large bandwidth require device) (see paragraph 0058).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kou et al. (Pub # US 2002/0078293 A1) is cited to teach controlling home network devices.

Gatto et al. (Pub # US 2002/0174444 a1) is cited to teach set top box with home network capability.

McCoskey et al. (Pub # US 2003/0028889 A1) is cited to teach aggregating video in home network.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JFZ  
7/25/2007



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